

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	No. 4:17-cv-00200
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
HEATHER KLINE f/k/a HEATHER L.	:	
ECK,	:	
	:	
Defendant.	:	

MEMORANDUM OPINION

AUGUST 22, 2017

FINDINGS:

1. On February 2, 2017, Plaintiff, the United States of America, filed its Complaint in this action against the Defendant, Heather Kline f/k/a Heather L. Eck, ECF No. 1;
2. On April 28, 2017, Plaintiff filed a Motion for Service by Posting Property and Certified Mail, ECF No. 4;
3. The Court subsequently denied this Motion on May 15, 2017, but granted Plaintiff leave to refile within forty-five days upon exhaustion of good faith attempts at locating and serving Defendant, ECF No. 5;
4. Plaintiff refiled this Motion on June 12, 2017 upon exhaustion of remaining efforts to locate and serve Defendant, ECF No. 6, and by Order dated June 13, 2017, this Court granted Plaintiff leave to serve

Defendant by posting a copy of the summons and complaint on the property to be foreclosed in accordance with Federal Rule of Civil Procedure 4(e)(1) and Pennsylvania Rules of Civil Procedure 430(a) and 410(c)(2), ECF No. 7;

5. Service of the Complaint was made upon the Defendant on June 21, 2017, ECF No. 8;
6. The Defendant has since failed to timely answer Plaintiff's Complaint;
7. On July 19, 2017, the Clerk of Court entered Default as to the Defendant, ECF No. 13;
8. On July 19, 2017, Plaintiff moved for entry of Default Judgment as to the claims advanced in its Complaint against the Defendant, ECF No. 10;
9. The Defendant has failed to make an appearance in this action;
10. Plaintiff's claim is for \$ 91,522.84 plus interest accruing upon the unpaid balance at a daily rate of \$ 11.38 due on a May 8, 2003 loan from the United States Department of Agriculture in the principal amount of \$61,093.42. ECF No. 10 at 2;

11. Accordingly, Plaintiff's claim "is for a sum certain or a sum that can be made certain by computation" as contemplated by Federal Rule of Civil Procedure 55(b)(1);
12. Counsel for Plaintiff swears that, upon reasonable investigation, the Defendant is not believed to be presently in the military service of the United States. ECF No. 12;
13. On July 31, 2017, this Court issued a Notice and Order to Show Cause, ECF No. 14, directing as follows:

IT IS HEREBY ORDERED that the Defendant, within twenty-one (21) days of this Notice and Order to Show Cause and no later than **August 21, 2017 at 5:00 p.m.**, shall **SHOW CAUSE** as to why this Court should not grant Plaintiff's Motion for Default Judgment. In the event that the Defendant fails to show cause, the Defendant is **NOTICED** that this Court will grant Plaintiff's Motion for Default Judgment in full and will immediately award Plaintiff the entirety of the relief it seeks.

14. In that same Order, the Court further directed the Clerk of Court to mail a copy of the same to the Defendant at the following address of record:

Heather Kline
173 E. Main Street
Rebersburg, PA 16872

15. The Clerk mailed a copy of the Notice and Order to Show Cause as directed. ECF No. 11;
16. As of today's date, no response has been received from Defendant.

CONCLUSION:

Plaintiff, the **UNITED STATES OF AMERICA**, is entitled to the entry of default judgment, the Defendant, **Heather Kline** f/k/a Heather L. Eck, having failed to show cause and having been noticed that this Court will grant Plaintiff's Motion for Default Judgment in full and will immediately award Plaintiff the entirety of the relief it seeks in the event of such failure. Accordingly, Plaintiff's Motion for Default Judgment, ECF No. 10, is **GRANTED**. An appropriate Order shall issue.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge